

Remarks

Information Disclosure Statement

It was stated in the Office Action that the information disclosure statement filed 11/14/2005 fails to comply with 37 CFR 1.98 because it does not include a clear and concise explanation of the relevant pages and passages. In response, Applicant hereby indicates for the Examiner that the entire specification is relevant, as it sets forth the underlying power management of various embodiments of the invention, in particular, the various embodiments where the present invention is implemented in devices which power management is implemented in accordance with ACPI as defined by the subject document.

Claim Objections

Claims 34 and 38 were objected to due to the nature of the language. Claims 34 and 38 has been amended to overcome the Examiner's objections.

Rejections under 35 U.S.C. § 112

Claims 14 and 28 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 14 and 28 have been amended to overcome the Examiner's rejections.

Rejections under 35 U.S.C. § 102

Claims 1, 12, 15 and 30-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,162,664 to Haun et al. ("*Haun*"). Applicants respectfully request reconsideration of this rejections for the following reasons.

In the Office Action, the Examiner alleged that each and every feature of original claim 1 was disclosed in *Haun*. *Haun*, column 3, lines 10-14, teaches “The microcomputer 110 stores and monitors the trip unit data to determine if the **trip unit** has sent information indicating that it is about to **trip the circuit breaker ...**”; and column 2, lines 20-21, “... microcomputer 110 detects that a **trip condition** is about to occur, it enables transistor 112, which allows current from the battery 121 to flow ...”. *Haun* teaches that the powering the apparatus from a backup source is determined by the microcomputer 110; and the microcomputer makes a determination based on the information it received from the trip unit. *Haun* did not teach that one of the trip conditions is absence of AC power. Therefore, *Haun* fails to teach “powering the apparatus from the backup power source in **response to the apparatus being in an AC absence condition**”, as cited in claim 1. Further, even if we are to ignore the above, *Haun* teaches shut off of the backup power after completion of data transmission, an event based shut off. For at least these reasons, claim 1 is patentable over *Haun* under section 102(b).

Claim 12 is claim 1 in method form, containing in substance the same recitations discussed earlier for claim 1. Therefore, for at least the same reasons, claim 12 is patentable over *Haun* under section 102(b).

Claims 15 and 30 are directed towards a system and a power supply, respectively, containing in substance the same recitations discussed earlier for claim 1. Therefore, for at least the same reasons, claims 15 and 30 are patentable over *Haun* under section 102(b). Further, even if all the recited features can be founded in *Haun*’s communication arrangement, claim 30 is further patentable over *Haun* under section 102(b), as *Haun* nonetheless still fails to teach the inclusion of these features in a power supply.

Claim 31 depends from claim 30, incorporating its recitations, therefore, for at least the same reasons, claim 31 is patentable over *Haun* under section 102(b).

Rejection under 35 U.S.C. § 103

Claims 2 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Haun et al.* (U.S. Pat. No. 5,162,664) in view of *Fisher Jr.* "hereinafter *Fisher*" (U.S. Pat. No. 6,462,507). Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 2 depends from and adds additional features to claim 1. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Fisher*. Thus for at least the same reasons that claim 1 is patentable over *Haun*, claim 2 is likewise patentable over *Haun* in view of *Fisher*.

Claims 16 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over *Haun* in view of *Fisher*. Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 16 depends from and adds additional features to claim 15. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Fisher*. Thus for at least the same reasons that claim 15 is patentable over *Haun*, claim 16 is likewise patentable over *Haun* in view of *Fisher*.

Claims 3-6 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Haun* in view of *Fisher*, as applied to claim 2, and further in view of *Wong et al.* (U.S. Pat. No. 6,650,657) "hereinafter *Wong*". Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 3-6 depends from and adds additional features to claim 2, which further depends from claim 1. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Fisher*, also not overcome by further teachings of *Wong*.

Thus for at least the same reasons that claim 1 is patentable over *Haun*, claims 3-6 are likewise patentable over *Haun* in view of *Fisher*, and in further view of *Wong*.

Claims 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Haun* in view of *Fisher*, and further in view of *Wong*. Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 18-20 depends from and adds additional features to claim 16, which further depends from claim 15. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Fisher*, also not overcome by further teachings of *Wong*. Thus for at least the same reasons that claim 15 is patentable over *Haun*, claims 18-20 are likewise patentable over *Haun* in view of *Fisher*, and in further view of *Wong*.

Claims 7, 10-11, 21, 26 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Haun* in view of Sanderford, Jr. "hereinafter *Sanderford*" (U.S. Pat. No. 4,684,945). Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 7 depends from and adds additional features to claim 1. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*. Thus for at least the same reasons that claim 1 is patentable over *Haun*, claim 7 is likewise patentable over *Haun* in view of *Sanderford*.

Claim 10-11 depends from and adds additional features to claim 7, which further depends from claim 1. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*. Thus for at least the same reasons that claim 1 is patentable over *Haun*, claims 10-11 are likewise patentable over *Haun* in view of *Sanderford*.

Claim 21 depends from and adds additional features to claim 15, which further depends from claim 1. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*. Thus for at least the same reasons that

claim 15 is patentable over *Haun*, claim 21 is likewise patentable over *Haun* in view of *Sanderford*.

Claim 26 depends from and adds additional features to claim 21, which further depends from claim 15. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*. Thus for at least the same reasons that claim 15 is patentable over *Haun*, claim 26 is likewise patentable over *Haun* in view of *Sanderford*.

Claim 32 depends from and adds additional features to claim 30. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*. Thus for at least the same reasons that claim 30 is patentable over *Haun*, claim 32 is likewise patentable over *Haun* in view of *Sanderford*.

Claims 9, 22-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Haun* in view of *Sanderford* as applied to claim 7 and 21 above, and in further view of *Wong*. Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 9 depends from and adds additional features to claim 7, which further depends from claim 1. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*, also not overcome by further teachings of *Wong*. Thus for at least the same reasons that claim 1 is patentable over *Haun*, claim 9 is likewise patentable over *Haun* in view of *Sanderford*, and in further view of *Wong*.

Claim 22 depends from and adds additional features to claim 21, which further depends from claim 15. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*, also not overcome by further teachings of *Wong*. Thus for at least the same reasons that claim 15 is patentable over *Haun*, claim 22 is likewise patentable over *Haun* in view of *Sanderford*, and in further view of *Wong*.

Claim 23 depends from and adds additional features to claim 22, which further depends from claim 21, which further depends from claim 15. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*, also not overcome by further teachings of *Wong*. Thus for at least the same reasons that claim 15 is patentable over *Haun*, claim 23 is likewise patentable over *Haun* in view of *Sanderford*, and in further view of *Wong*.

Claim 24 depends from and adds additional features to claim 23, which further depends from claim 22, which further depends from claim 21, which further depends from claim 15. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*, also not overcome by further teachings of *Wong*. Thus for at least the same reasons that claim 15 is patentable over *Haun*, claim 24 is likewise patentable over *Haun* in view of *Sanderford*, and in further view of *Wong*.

Claim 25 depends from and adds additional features to claim 24, which further depends from claim 23, which further depends from claim 22, which further depends from claim 21, which further depends from claim 15. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*, also not overcome by further teachings of *Wong*. Thus for at least the same reasons that claim 15 is patentable over *Haun*, claim 25 is likewise patentable over *Haun* in view of *Sanderford*, and in further view of *Wong*.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Haun* in view of *Brown* (U.S. Pat. 5,854,904, hereinafter "*Brown*"). Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 13 depends from and adds additional features to claim 12, which further depends from claim 1. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Brown*. Thus for at least the same reasons that claim 1 is patentable over *Haun*, claim 13 is likewise patentable over *Haun* in view of *Brown*.

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Haun* in view of *Sanderford* as applied to claim 21 above, and in further view of *Brown*. Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 27 depends from and adds additional features to claim 21, which further depends from claim 15. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Sanderford*, also not overcome by further teachings of *Brown*. Thus for at least the same reasons that claim 15 is patentable over *Haun*, claim 27 is likewise patentable over *Haun* in view of *Sanderford*, and in further view of *Brown*.

Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Haun* in view of *Brown*. Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Claim 29 depends from and adds additional features to claim 15, which further depends from claim 15. The deficiencies of *Haun*, as described above, are not overcome by the teachings of *Brown*. Thus for at least the same reasons that claim 15 is patentable over *Haun*, claim 29 is likewise patentable over *Haun* in view of *Brown*.

Claim 33-38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Wong* in view of *Sanderford*. Claim 33 has been amended. Applicants respectfully request reconsideration of this rejection for at least the following reasons.

Section 103 requires the Examiner to view the invention as a whole. When doing so, claim 33 as recited claims programming instructions stored in a storage medium that enables an apparatus to automatically shut off backup power after a period of time, a strict time based automatic shutoff, when backup power is employed during AC absence. *Wong* teaches warning a user of remaining backup power. *Sanderford* teaches shut off after the safe cannot be open after a period of time, which is an event based shut off, and not a strict time based shut off. Any person of ordinary

skill in the art would understand the *Sanderford* to mean that after the elapse of the period of time, the controlling logic should conclude that the attempt to open the safe is an illegitimate attempt to open the safe, and therefore should not be facilitated. Accordingly, backup power may be shut down, so it is not wasted to facilitate an illegitimate attempt to open the safe. Therefore, *Wong and Sanderford*, in combination does not suggest the invention claimed in claim 33 under section 103.

Claim 34-38 depend from claim 33, incorporating its recitations. Therefore, for at least the same reasons, claims 34-38 are patentable over *Wong and Sanderford* combined under section 103.


Conclusion

In view of the foregoing, the Applicants respectfully submit that claims 1-38 are in condition for allowance. Entry of the offered amendments and early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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